



To the Honorable Council
City of Norfolk, Virginia

February 25, 2014

From: George M. Homewood, AICP CFM, Acting Planning Director

Subject: **Closure of portion of the northern half of Willoughby Bay Avenue lying south of Lots 23-25 in Block 17 and west of Seventh View Street.**

Reviewed: Ronald H. Williams, Jr., Assistant City Manager *R. Williams* Ward/Superward: 1/6

Approved: *Marcus D. Jones*

Marcus D. Jones, City Manager

Item Number: PH-2

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends approval.
- III. **Request**
Street Closure of portion of the northern half of Willoughby Bay Avenue lying south of Lots 23-25 in Block 17 and west of Seventh View Street.
- IV. **Applicant:** Karen B. LaBonte
- V. **Description**
 - The property owners need to close the right-of-way in order to resolve the existing encroachments on the site and create marketable title to the property.
 - The agreed upon purchase price of the right-of-way to be closed, \$18,500, is due to the City Attorney's Office at time of property closing and transfer.

Staff point of contact: Jeffrey Raliski at 664-4766, jeffrey.raliski@norfolk.gov

Attachments:

- Staff Report to CPC dated January 23, 2014 with attachments
- Proponents and Opponents
- Ordinance



City of NORFOLK

To The City Planning Commission
City of Norfolk, Virginia

January 23, 2014

From: Jeffrey K. Raliski, AICP,
Long Range Planning Manager

Subject: The closing, vacating and discontinuing a portion of the northern half of Willoughby Bay Avenue lying south of Lots 23-25 in Block 17 and west of Seventh View Street.

Reviewed: Leonard M. Newcomb, III,
Land Use Services Manager

Ward/Superward: 1/6

Approved:

George M. Homewood, AICP,
Acting Planning Director

Item Number:

8

- I. **Recommendation:** Staff recommends approval.
- II. **Applicant:** Karen B. LaBonte
- III. **Description:**
This agenda item is to close a portion of the northern half of Willoughby Bay Avenue lying south of Lots 23-25 in Block 17 and west of Seventh View Street.
- IV. **Analysis**
 - The right-of-way to be closed is located in the Willoughby neighborhood which is developed with a mixture of residential uses.
 - The property owners need to close the right-of-way in order to resolve the existing encroachments on the site and create marketable title to the property.
- V. **Financial Impact**
The agreed upon purchase price of the right-of-way to be closed, \$18,500, is due to the City Attorney's Office at time of property closing and transfer.
- VI. **Environmental**
Closure of this unimproved right-of-way will not create additional traffic in adjacent neighborhoods.

VII. Community Outreach/Notification

- Legal notice was posted on the property on December 17.
- Letter was mailed to the Willoughby Civic League President on December 26.
- Notice was sent to the civic leagues by the Department of Communications on January 8.
- Letters were mailed to all property owners within 300 feet of the property on January 8.
- Legal notification was placed in *The Virginian-Pilot* on January 9 and 16.

VIII. Coordination/Outreach

This letter has been coordinated with the Department of Planning and Community Development, Department of Public Works, and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Location Map
- Zoning Map
- Legal Description
- Letter to the Civic League

Proponents

Karen B. LaBonte
1522 West Ocean View Avenue
Norfolk, VA 23503

W.O. Hatfield
729 West Ocean View Avenue
Norfolk, VA 23503

John W. Price
569 West Ocean View Avenue
Norfolk, VA 23509

John Williams
415 Brackenridge Avenue
Norfolk, VA 23505

Opponents

None

Form and Correctness Approved: 

By 
Office of the City Attorney

Contents Approved:

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE CLOSING, VACATING AND DISCONTINUING A PORTION OF THE NORTHERN HALF OF WILLOUGHBY BAY AVENUE AT 705-709 WEST OCEAN VIEW AVENUE, AND AUTHORIZING THE CONVEYANCE BY QUITCLAIM DEED TO THE ABUTTING PROPERTY OWNERS OF ANY INTEREST THE CITY MAY HAVE IN THE UNDERLYING FEE OF SAID PORTION OF WILLOUGHBY BAY AVENUE, CONTINGENT UPON THE SATISFACTION OF CERTAIN CONDITIONS.

- - -

WHEREAS, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, the City Council has the authority to close, vacate and discontinue public rights of way; and

WHEREAS, the City of Norfolk has received an application from Karen B. Labonte et al., for the closure of a portion of Willoughby Bay Avenue, more particularly described in Exhibit A and shown on Exhibit B, both of which are attached to and made a part of this ordinance; and

WHEREAS, after a public hearing, the City Planning Commission recommended that the said portion of Willoughby Bay Avenue be closed, vacated and discontinued; and

WHEREAS, the property owners whose property abuts the portion of Willoughby Bay Avenue to be closed have agreed to the closure of the street and have agreed to compensate the City for the value of the portion of the street to be vacated; and

WHEREAS, pursuant to Section 15.2-2008 of the Code of Virginia, 1950, as amended, and Section 42-212 of the Norfolk City Code, 1979, the City and the abutting property owners have agreed that the sum of \$18,500 is a fair price for the City's interest in that portion of Willoughby Bay Avenue to be closed; and

WHEREAS, the requirements of Section 15.2-2006 of the Code of Virginia, 1950, as amended, which relate to the vacation of public rights of way, have been met; now, therefore

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the portion of Willoughby Bay Avenue described in Exhibit A and shown on Exhibit B is closed, vacated and discontinued as a public street of the City of Norfolk, contingent upon the satisfaction of the following conditions:

1. Karen B. Labonte et al. shall have made a payment of \$18,500 to the City in consideration of the City's interest in the portion of Willoughby Bay Avenue which is being vacated.
2. The Applicant shall pay to the City all costs associated with the publishing of the notice required by Section 15.2-2006 of the Code of Virginia, 1950, as amended.

Section 2:- That if the conditions set forth above have not been fully met within one year of the effective date of this ordinance, then this ordinance shall not be

recorded and the closure of the portion of Willoughby Bay Avenue described in Exhibit A shall be considered null and void without further action by City Council.

Section 3:- That any interest the City may have in the underlying fee of said portion of Willoughby Bay Avenue shall be conveyed to the abutting property owners by quitclaim deed in form satisfactory to the City Attorney.

Section 4:- That this ordinance shall be in effect from and after thirty (30) days from the date of its adoption.

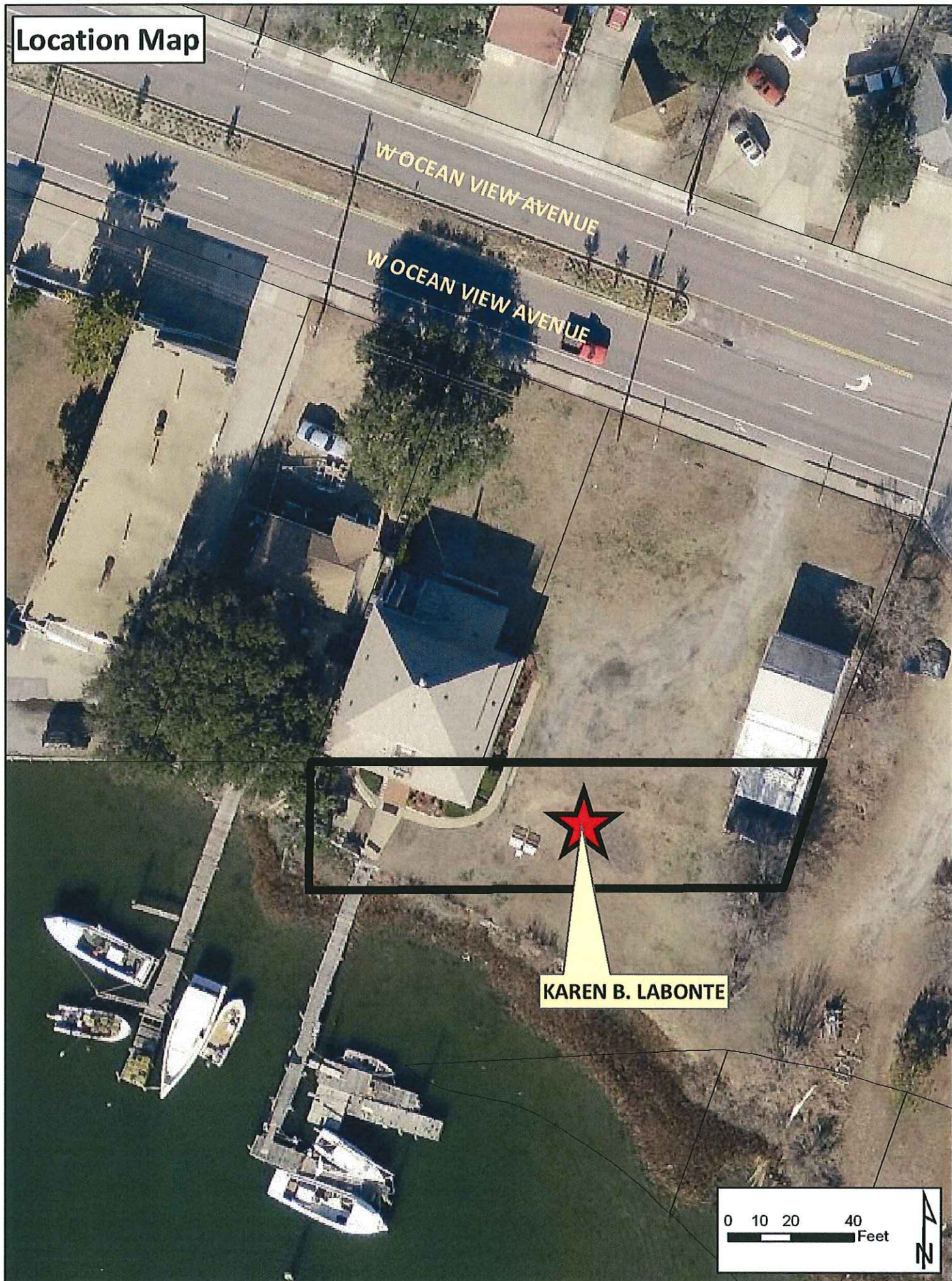
**Closure of a Portion of
Willoughby Bay Avenue
For Council**

All that certain lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being a portion of Willoughby Bay Avenue and being further described as follows: BEGINNING at a point that is the southwest corner of Lot 23 in Block 17 as shown on a plat entitled, "Corrected Map of Willoughby Beach," said plat being duly recorded in the Clerk's Office of the Circuit Court in the City of Chesapeake, Virginia, in Map Book 5 at Pages 80 and 81; thence, from the point of beginning thus described, the following two courses and distances along the northern line of Willoughby Bay Avenue: S 87°-32'-34" E, 52.20 feet, more or less, to a point; thence, N 87°-21'-18" E, 107.70 feet, more or less, to a point; thence, the following four courses and distances across Willoughby Bay Avenue: S 19°-09'-24" W, 43.08 feet, more or less, to a point; thence, S 87°-21'-18" W, 93.48 feet, more or less, to a point; thence, N 87°-32'-34" W, 53.98 feet, more or less, to a point; thence, N 02°-27'-26" E, 40.00 feet, more or less, to the point of beginning, all as shown on an exhibit entitled, "Exhibit for Right-of-Way Closure, Lots 23, 24 & 25, Block 17, Corrected Map of Willoughby Beach, Norfolk, Virginia, for Estate of John P. Williams & Louise B. Williams," said exhibit being dated and stamped May 1, 2013 by Ward Holmes, Land Surveyor of Norfolk, Virginia..

The above-described parcel contains 0.14 acre of land, more or less.

September 12, 2013

Location Map



W OCEAN VIEW AVENUE

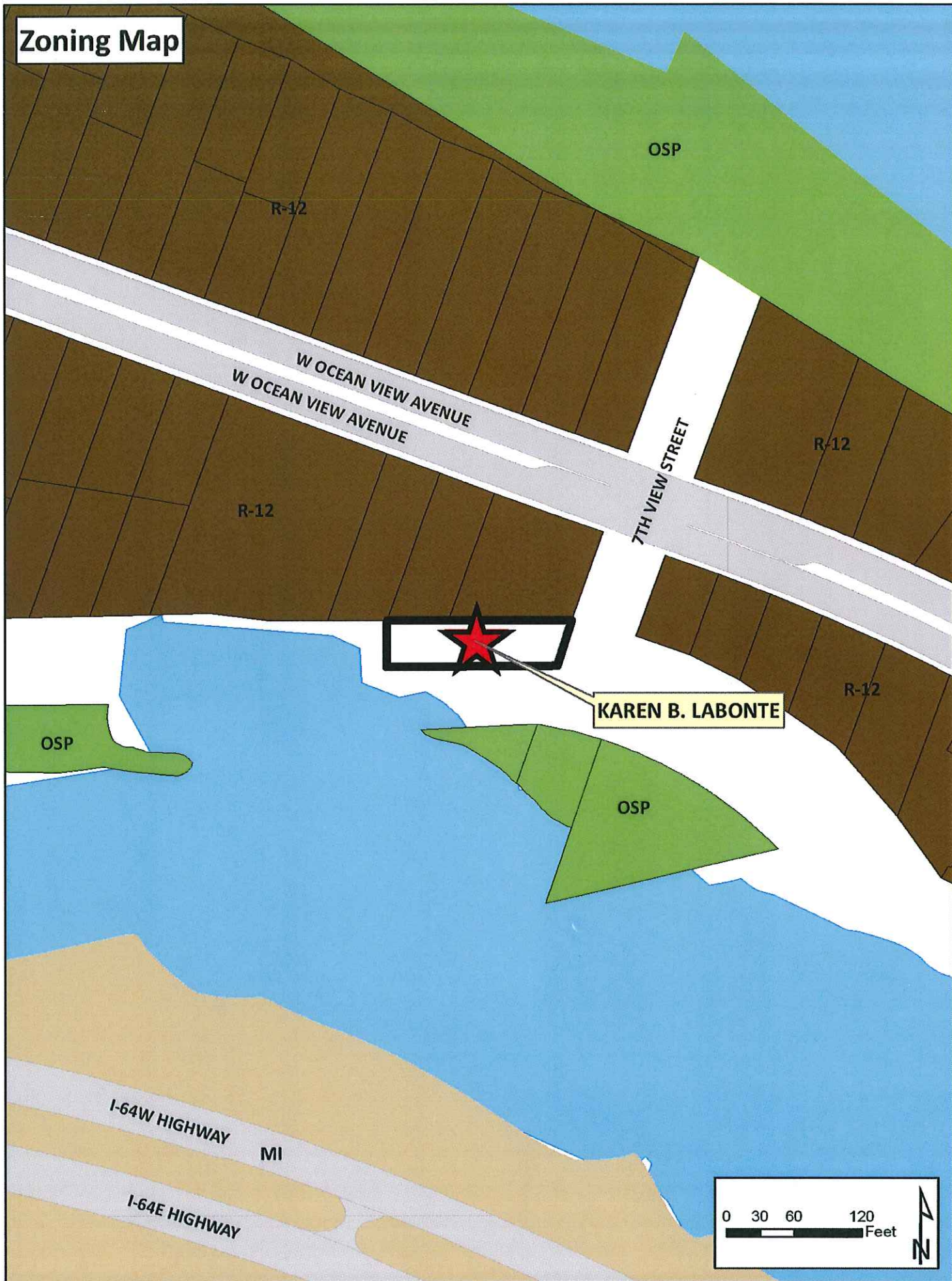
W OCEAN VIEW AVENUE

KAREN B. LABONTE

0 10 20 40 Feet



Zoning Map



**Closure of a Portion of
Willoughby Bay Avenue
For Advertisement**

A portion of the northern half of Willoughby Bay Avenue lying south of Lots 23-25 in Block 17 and west of Seventh View street.

**Closure of a Portion of
Willoughby Bay Avenue
For Council**

All that certain lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being a portion of Willoughby Bay Avenue and being further described as follows: BEGINNING at a point that is the southwest corner of Lot 23 in Block 17 as shown on a plat entitled, "Corrected Map of Willoughby Beach," said plat being duly recorded in the Clerk's Office of the Circuit Court in the City of Chesapeake, Virginia, in Map Book 5 at Pages 80 and 81; thence, from the point of beginning thus described, the following two courses and distances along the northern line of Willoughby Bay Avenue: S 87°-32'-34" E, 52.20 feet, more or less, to a point; thence, N 87°-21'-18" E, 107.70 feet, more or less, to a point; thence, the following four courses and distances across Willoughby Bay Avenue: S 19°-09'-24" W, 43.08 feet, more or less, to a point; thence, S 87°-21'-18" W, 93.48 feet, more or less, to a point; thence, N 87°-32'-34" W, 53.98 feet, more or less, to a point; thence, N 02°-27'-26" E, 40.00 feet, more or less, to the point of beginning, all as shown on an exhibit entitled, "Exhibit for Right-of-Way Closure, Lots 23, 24 & 25, Block 17, Corrected Map of Willoughby Beach, Norfolk, Virginia, for Estate of John P. Williams & Louise B. Williams," said exhibit being dated and stamped May 1, 2013 by Ward Holmes, Land Surveyor of Norfolk, Virginia..

The above-described parcel contains 0.14 acre of land, more or less.

September 12, 2013



City of
NORFOLK

December 26, 2013

Mr. Don Musacchio
President, Willoughby Civic League
PO Box 8654
Norfolk, VA 23503

Dear Mr. Musacchio:

The Planning Department has received an application from Karen LaBonte to close, vacate and discontinue a portion of Willoughby Bay Avenue west of Seventh View Street. This item is tentatively scheduled for the January 23, 2014 City Planning Commission public hearing.

If you would like additional information on the request, you may contact the applicant's representative at (757)-441-8929 or Jeff Raliski in the Planning Department at (757) 664-4766. A copy of the complete application is enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Homewood", followed by a long horizontal line.

George M. Homewood, AICP, CFM
Acting Planning Director